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BAYLOR *v.* HOOVER.

Nov. 14, 1918.

[97 S. E. 309.]

1. **Trial (§ 253 (1)*)—Instructions—Ignoring Defendant's Theory.**—It is error to give an instruction entirely ignoring defendant's theory of the case, and omitting all evidence to sustain it, since an instruction in substance directing a verdict must cover all phases of the case that are supported by evidence.

[Ed. Note.—For other cases, see 7 Va.-W. Va. Enc. Dig. 724.]

2. **Trial (§ 203 (3)*)—Instructions—Theory of Case.**—Where the evidence presents conflicting theories of the case, each party is entitled to an instruction submitting his theory to the jury.

[Ed. Note.—For other cases, see 7 Va.-W. Va. Enc. Dig. 726.]

Error to Corporation Court of Staunton.

Proceedings by J. Earl Hoover against J. Frank Baylor. Judgment for plaintiff, and defendant brings error. Reversed and remanded.

Jos. A. Glasgow, of Staunton, for plaintiff in error.

Timberlake & Nelson, of Staunton, for defendant in error.

IRVINE *v.* CITY OF CLIFTON FORGE.

Nov. 14, 1918.

[97 S. E. 310.]

Courts (§ 97 (3)*)—Decision of Constitutional Question—Supremacy of Federal Supreme Court.—Supreme Court of United States having decided that the segregation ordinance of one city is void as conflicting with Const. U. S. Amend. 14, on appeal from judgment convicting of violation of like ordinance of another city, the Supreme Court of Appeals must reverse and direct dismissal.

[Ed. Note.—For other cases, see 3 Va.-W. Va. Enc. Dig. 153.]

Error to Circuit Court of City of Clifton Forge.

Tom Irvine was convicted of violating the segregation ordinance of the City of Clifton Forge, and he brings error. Judgment reversed, and case remanded, with direction to remit fine and dismiss the prosecution.

Chas. Curry, of Staunton, for plaintiff in error.

Thos. J. Wilson, Jr., and *John W. Bear*, both of Clifton Forge, for defendant in error.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.